

APPENDIX A:
COPIES OF PUBLIC SCOPING LETTERS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

11-15-05
SLW
#

NOV 10 2004

In Reply Refer To:
ES-61411/W.02/WY8800

John Kersten
Department of Energy
Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3305

Dear Mr. Kersten:

This is regarding your October 21, 2004, notice of the proposed low-speed wind turbine demonstration project located in section 1, T21N, R79W in Carbon County, Wyoming. The project includes one 262-foot tall wind turbine and associated facilities such as a 240-foot tall meteorological tower, 400 square foot building, and underground electric lines. You have requested comments regarding this project to be used in the preparation of your environmental assessment.

Federal Agency Responsibilities

In response to the notice, the U.S. Fish and Wildlife Service (Service) is providing you with comments on (1) threatened, endangered and candidate species, (2) migratory birds, (3) wetlands and riparian areas, and (4) sensitive species, including petitioned species. The Service provides recommendations for protective measures for threatened and endangered species in accordance with the Endangered Species Act (Act) of 1973, as amended, 16 U.S.C. 1531 *et seq.* Protective measures for migratory birds are provided in accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703 and the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668. Wetlands are afforded protection under Executive Orders 11990 (wetland protection) and 11988 (floodplain management), as well as section 404 of the Clean Water Act. Other fish and wildlife resources are considered under the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended, 16 U.S.C. 661 *et seq.*, and the Fish and Wildlife Act of 1956, as amended, 70 Stat. 1119, 16 U.S.C. 742a-742j.

The Department of Energy (DOE) and their non-federal representatives should work with the Service in developing surveys, impact minimization measures, and conservation measures for all federally listed species. If any proposed project may affect a listed species, consultation with the Service pursuant to section 7(a)(2) of the Act will be required. Section 7 (a)(1) of the Act directs federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation and recovery of listed species. Therefore we encourage the DOE to incorporate measures into project design for the conservation of listed species.

In accordance with section 7 of the Act, my staff has determined that the following threatened or endangered species, or species proposed for listing under the Act, may be present in or near the project area. We would appreciate receiving information as to the current status of each of these species within the project area.

SPECIES	STATUS	HABITAT
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Threatened	Found throughout state
Black-footed ferret (<i>Mustela nigripes</i>)	Experimental /Nonessential	Shirley Basin/Medicine Bow Reintroduction site
Ute ladies'-tresses (<i>Spiranthes diluvialis</i>)	Threatened	Seasonally moist soils and wet meadows of drainages below 7000 feet elevation.

If the proposed action may lead to consumptive use of water in the Colorado River System or the Platte River System, impacts to threatened and endangered species inhabiting the downstream reaches of these systems should be included in the evaluation.

Colorado River fish	Endangered	Downstream riverine habitat of the Yampa, Green and Colorado river systems
Platte River species	Endangered	Downstream riverine habitat of the Platte River in Nebraska

Bald eagle: While habitat loss still remains a threat to the bald eagle's full recovery, most experts agree that its recovery to date is encouraging. Adult eagles establish life-long pair bonds and build huge nests in the tops of large trees near rivers, lakes, marshes, or other wetland areas. Although bald eagles may range over great distances, they usually return to nest within 100 miles of where they were fledged. During winter, bald eagles gather at night to roost in large mature trees, usually in secluded locations that offer protection from harsh weather. Bald eagles often return to use the same nest and winter roost year after year.

In order to reduce potential adverse effects to the bald eagle, a disturbance-free buffer zone of 1 mile should be maintained around eagle nests and winter roost sites. Activity within 1 mile of an eagle nest or roost may disturb the eagles and result in take. The notice indicates that the wind turbine may be in existence for up to 20 years. The Service recommends that extensive site specific information be collected regarding the potential for bald eagles to use the project area or areas adjacent to it. We recommend that the wind turbine and associated facilities be sited to ensure implementation of an appropriate protective buffer for bald eagle nests and roost sites.

Black-footed ferret: Reintroduction of black-footed ferrets has occurred in the Shirley Basin/Medicine Bow Management Area (SBMB) in southeastern Wyoming (USFWS, 1991). The SBMB population is designated as experimental/non-essential according to provisions under section 10(j) of the Act and is treated as a proposed species. However, this designation indicates that the loss of the SBMB population will not jeopardize the continued existence of the

black-footed ferret. The proposed project site is not located within the primary management zone for the SBMB population. However, the geographic boundaries of this population extend beyond the primary management zone to include areas of Wyoming that are south and east of the North Platte River in Natrona, Carbon and Albany Counties. If white-tailed prairie dog towns or complexes (primary prey species for ferrets) will be affected by this project we recommend that you contact this office for guidance on project analysis methodologies and/or ferret surveys.

We encourage you to consider the extensive time and energy that has been expended to reintroduce ferrets to a small part of their historical range and that you exercise due care to ensure that black-footed ferrets are not negatively affected by this project. According to the Federal Register notice (USFWS, 1991) ferret injuries or mortalities are required to be reported immediately to the Service. There will be no penalties if it is determined that the injury or death was unavoidable, unintentional and did not result from negligent conduct.

Ute ladies'-tresses: Ute ladies'-tresses (*Spiranthes diluvialis*) is a perennial, terrestrial orchid, 8 to 20 inches tall, with white or ivory flowers clustered into a spike arrangement at the top of the stem. *Spiranthes* typically blooms from late July through August; however, depending on location and climatic conditions, it may bloom in early July or still be in flower as late as early October. *Spiranthes* is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams where it colonizes early successional point bars or sandy edges. The elevation range of known occurrences is 4,200 to 7,000 feet in alluvial substrates along riparian edges, gravel bars, old oxbows, and moist to wet meadows. Soils where *Spiranthes* have been found typically range from fine silt/sand, to gravels and cobbles, as well as to highly organic and peaty soil types. *Spiranthes* is not found in heavy or tight clay soils or in extremely saline or alkaline soils. *Spiranthes* seems intolerant of shade and small scattered groups are found primarily in areas where vegetation is relatively open. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys. *Spiranthes* is difficult to survey for primarily due to its unpredictability of emergence of flowering parts and subsequent rapid desiccation of specimens. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the orchid to experts who can provide training or services.

Colorado River water depletions: Formal consultation is required for projects that may lead to depletions of water to the Colorado River system. Federal agency actions resulting in water depletions to the Colorado River system may affect the endangered Bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), and Razorback sucker (*Xyrauchen texanus*) downstream in the Green and Colorado river systems. In addition, depletions may contribute to the destruction or adverse modification of designated critical habitat for these four species.

In general, depletions include evaporative losses and/or consumptive use of surface or groundwater within the affected basin, often characterized as diversions less return flows. Project elements that could be associated with depletions include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), hydrostatic testing of pipelines, wells, dust abatement, diversion structures, and water treatment facilities. Any actions that may result in a water depletion should

be identified. The document should include: an estimate of the amount and timing of average annual water use (both historic and new uses) and methods of arriving at such estimates; location of where water use or diversion occurs as specifically as possible; if and when the water will be returned to the system; and what the water is being used for. Note that if the project has peculiarities or oddities, the Service may have more specific questions regarding the potential consumptive use of water.

Platte River water depletions: Water depletions to the Platte River system may affect the federally listed whooping crane (*Grus americana*), interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), pallid sturgeon (*Scaphirhynchus albus*), bald eagle (*Haliaeetus leucocephalus*), Eskimo curlew (*Numenius borealis*), and western prairie fringed orchid (*Platanthera praeclara*). In addition, depletions may contribute to the destruction or adverse modification of designated critical habitat for the whooping crane and the northern Great Plains breeding population of the piping plover. Depletions include evaporative losses and/or consumptive use, often characterized as diversions from the Platte River or its tributaries less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), created or enhanced wetlands, hydrostatic testing of pipelines, wells, diversion structures, dust abatement, and water treatment facilities. Any actions that may result in a water depletion to the Platte River system should be identified. The document should include: an estimate of the amount and timing of average annual water use (both historic and new uses) and methods of arriving at such estimates; location of where water use or diversion occurs as specifically as possible; if and when the water will be returned to the system; and what the water is being used for. Note that if the project has peculiarities or oddities, the Service may have more specific questions regarding the potential consumptive use of water.

Candidate Species

The Service has determined that sufficient information exists to propose the western boreal toad (*Bufo boreas boreas*) as a candidate species for listing under the Act. However, the proposal to list is currently precluded by higher priority listing actions. The boreal toad occurs in the mountains of southeast Wyoming. Many federal agencies have policies to protect candidate species from further population declines. We would appreciate receiving information on the status of this species in or near the project area. In addition, if the boreal toad is listed prior to completion of the project, unnecessary delays may be avoided by considering project impacts to candidates now.

Sensitive Species

Federal agencies are also encouraged to consider sensitive species or species at risk in project review. Your consideration of these species is important in preventing their inclusion on the Endangered Species List. The Wyoming Natural Diversity Database maintains the most current information on sensitive plants in Wyoming. The database must charge for data retrieval to financially support the database and staff. The staff can be contacted at (307) 766-5026.

Migratory Birds

Under the MBTA and the BGEPA, the DOE has a mandatory obligation to protect the many species of migratory birds, including eagles and other raptors that may be affected by projects under their authority. The MBTA, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations and does not require intent to be proven. Section 703 of the Act states, "Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird..." The BGEPA, prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing.

The Service recommends that the DOE use the best available technologies to determine if migratory birds will be negatively affected by the proposed project. This may entail surveys, review of data from the adjacent wind farm, breeding bird survey data, and contacting other agencies or birding groups before the project moves forward. In addition to surveys for avian species we suggest your surveys include bats as well.

In order to promote the conservation of migratory bird populations and their habitats, the Service recommends the DOE implement those strategies outlined within the Memorandum of Understanding directed by the President of the U.S. under the Executive Order 13186, where possible.

Sage Grouse

The Service has received several petitions to list the greater sage-grouse (*Centrocercus urophasianus*) under the Act. The causes for the greater sage-grouse rangewide decline are not completely understood and may be influenced by local conditions. However, habitat loss and degradation, as well as loss of population connectivity are important factors (Braun 1998, Wisdom et al. 2002). Greater sage-grouse are dependent on sagebrush habitats year-round. Therefore, any activities that result in loss or degradation of sagebrush habitats that are important to this species should be closely evaluated for their impacts to sage grouse. If important breeding habitat (leks, nesting or brood rearing habitat) is present in the project area, the Service recommends no project-related disturbance between March 1 and June 30, annually. Minimization of disturbance during lek activity, nesting, and brood rearing is critical to sage grouse survival.

We recommend you contact the Wyoming Game and Fish Department to identify important greater sage-grouse habitats within the project area, and appropriate mitigative measures to minimize potential impacts from the proposed project. The Service recommends surveys and mapping of important greater sage-grouse habitats where local information is not available. The results of these surveys should be used in project planning, to minimize potential impacts to this species. No project activities that may exacerbate habitat loss or degradation should be permitted in important habitats.

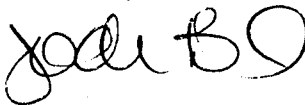
Wetlands and Riparian Areas

The Service recommends measures be taken to avoid wetland losses in accordance with Section 404 of the Clean Water Act, Executive Order 11990 (wetland protection) and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may

be destroyed or degraded by the proposed action, those (wetlands) in the project area should be inventoried and fully described in terms of functions and values. Acreage of wetlands, by type, should be disclosed and specific actions outlined to minimize impacts and compensate for all unavoidable wetland impacts. Project components of seismic actions that may have potential negative impacts to wetlands and riparian areas may occur from vehicular traffic through these sensitive areas resulting in erosion and degradation of vegetation.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If the scope of the project is changed, or the project is modified, in a manner that you determine may affect a listed species, this office should be contacted to discuss consultation requirements pursuant to section 7(a)(2) of the Act. If you have further questions regarding our comments or your responsibilities under the Act, please contact Kathleen Erwin at 307-772-2374 extension 28 for wind power projects proposed within Wyoming.

Sincerely,



Brian T. Kelly
Field Supervisor
Wyoming Field Office

References

- Braun, C.E. 1998. Sage grouse declines in western North America: What are the problems? Proceedings of the Western Association of Fish and Wildlife Agencies 78:139-156
- U.S. Fish and Wildlife Service. 1989. Black-footed ferret survey guidelines for compliance with the Endangered Species Act, April 1989. U. S. Fish and Wildlife Service, Denver, Colorado and Albuquerque, New Mexico. 15pp.
- U.S. Fish and Wildlife Service. 1991. Endangered and threatened wildlife and plants: establishment of a nonessential experimental population of black-footed ferrets in southeastern Wyoming. Federal Register/ Vol. 56, No. 162/ Wednesday, August 21, 1991 (41473).
- Wisdom, M.J., B.C. Wales, M.M. Rowland, M.G. Raphael, R.S. Holthausen, T.D. Rich, and V.A. Saab. 2002. Performance of Greater Sage-Grouse models for conservation assessment in the Interior Columbia Basin, USA. Conservation Biology 16: 1232-1242.

Enclosure (1)

cc:

TRC, Environmental Consultant, Laramie (S. Kamber)
WGFD, Lander, Non-Game Coordinator (B. Oakleaf)
WGFD, Cheyenne, Statewide Habitat Protection Coordinator (V. Stelter)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

In Reply Refer To:
ES-61411/BFF/WY7746

February 2, 2004

Dear Interested Party:

This letter is to inform you that black-footed ferret (*Mustela nigripes*) surveys are no longer necessary in black-tailed prairie dog colonies statewide or in white-tailed prairie dog towns except those noted in the attachment. In response to requests from numerous entities and our own review of the situation regarding ferret surveys, the U.S. Fish and Wildlife Service (Service) and others have been evaluating the potential for a previously unidentified black-footed ferret population to occur in Wyoming and the need for conducting black-footed ferret surveys across the entire state. This issue has been especially pertinent when evaluating various activities for compliance with the Endangered Species Act of 1973 (Act), as amended (16 USC 1531 *et seq.*).

The black-footed ferret was listed as an endangered species in 1967, prior to the Act (under the Endangered Species Preservation Act of 1966). The Act prohibits the take of listed species without proper permits and places an additional requirement on activities funded, authorized or carried out by Federal agencies to ensure that such actions will not jeopardize the continued existence of any listed species. The latter process is known as interagency consultation and is outlined in section 7(a)(2) of the Act (50 C.F.R. § 402.13).

The Service developed the 1989 *Black-footed Ferret Survey Guidelines for Compliance with the Endangered Species Act* (Survey Guidelines) to assist with section 7 consultations for ferrets. The Survey Guidelines provide a mechanism to evaluate the possibility of locating existing ferrets in prairie dog colonies by examination of the size, density, and juxtaposition of existing prairie dog colonies. The key points of the strategy are to determine the existence of ferrets or an area's potential for ferret recovery and either may be used in section 7 consultations when determining whether an action may affect the black-footed ferret. The Survey Guidelines can be followed by interested parties (federal agencies and their partners) during the section 7 consultation process to make determinations on whether an activity may adversely affect ferrets. However, an unintended drawback to the Survey Guidelines is that repetitive surveys may be undertaken to evaluate possible impacts to ferrets on prairie dog colonies that have already been searched or that didn't present any realistic opportunities for ferret reintroduction.

The Service has been coordinating with the Wyoming Game and Fish Department in reviewing information about the current and historic status of prairie dog towns throughout Wyoming. In addition to the status review, we have also been reviewing the history of black-footed ferret surveys to determine whether the survey guidelines should continue to be applied across the entire state. Through this process, the Service has developed an initial list of blocks of habitat that are not likely to be inhabited by black-footed ferrets. In these areas, take of individual ferrets and effects to a wild population are not an issue and surveys for ferrets are no longer recommended. The term "block clearance" has often been used to describe this type of approach. This initial list is based largely on the quality of the habitat today, as well as information regarding past population bottlenecks that may have resulted from plague and poisoning events in particular areas and may have led to the loss of ferrets in the area.

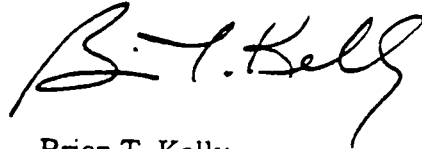
Additional information regarding the survey effort on the specific areas not yet block-cleared is currently being reviewed by the Service. Based on this review, the Service will likely add several blocks of habitat to the list in the future. The Service will continue to collect and review information on any remaining areas to determine if they should be added to the list of areas cleared from the survey recommendation. Therefore, prior to conducting surveys, you should coordinate with the Service to determine which specific areas are recommended for surveys. We have attached our initial list of areas cleared from the ferret survey recommendation. We believe this approach is not only biologically defensible, but also allows all parties involved to focus survey effort and resources on those areas where the likelihood of discovering wild ferrets is greatest.

Please note that "block clearance" must not be interpreted to mean that the area is free of all value to black-footed ferrets. These areas, or blocks, are merely being cleared from the need for ferret surveys. Therefore, this clearance from the survey recommendations reflects only the negligible likelihood of a wild population of ferrets occurring in an area. It does not provide insight into an area's value for survival and recovery of the species through future reintroduction efforts. Nor does this clearance relieve a Federal agency of its responsibility to evaluate the effects of its actions on the survival and recovery of the species. For example, while an action proposed in a cleared area needs no survey and is not likely to result in take of individuals, the action could have an adverse effect upon the value of a prairie dog town as a future reintroduction site and should be evaluated to determine the significance of that effect. Consultation with the Service is appropriate for any agency action resulting in an effect significant enough to diminish a site's value as a future reintroduction site. Additionally, block clearance of an area does not imply that other values of maintaining the integrity of the prairie dog ecosystem are unimportant.

We appreciate your efforts to conserve listed species. Without the valuable information collected to date in association with black-footed ferret surveys, we would not be able to undertake this effort to focus ferret surveys on the most promising habitat. If you have any questions regarding

this letter or your responsibilities under the Act, please contact Mary Jennings of my staff at the letterhead address or phone (307) 772-2374, extension 32.

Sincerely,

A handwritten signature in black ink, appearing to read "B. T. Kelly". The signature is fluid and cursive, with the first name "B." and last name "Kelly" clearly distinguishable.

Brian T. Kelly
Field Supervisor
Wyoming Field Office

Enclosure (1)

cc: WGFD, Non-Game Coordinator, Lander, WY (B. Oakleaf)
FWS, BFF Recovery Coordinator, Laramie, WY (M. Lockhart)

Black-footed Ferret Survey Block Clearance List

February 1, 2004

The following blocks of black-footed ferret habitat are cleared from the recommendation for ferret surveys:

1. All black-tailed prairie dog towns in Wyoming
2. All white-tailed prairie dog towns in Wyoming **EXCEPT** those identified in the following table.

Complex Name	Townships	Ranges	Complex Name	Townships	Ranges
Baxter Basin	T18, T19, T20	R103, R104	Fifteen Mile	T47-T49 T48	R97, R98 R96 (west half)
Big Piney	T 28 T29, T30, T31	R111, R112 R109-R111	Flaming Gorge	T12, T13 T12-T14 T13	R109 R108 R107
Bolton Ranch	T17 T18, T19	R86, R88 R86-R88	Manderson	T47, T48 T49	R90, R91 R91
Carter	T16, T17 T18	R114-R116 R115	Moxa	T15, T16 T17, T18 T19, T20 T21 T22, T23 T24	R112, R113 R111-R113 R111-R114 R110-R113 R111-R113 R112
Continental Divide	T16 T17 T18 T19 T20	R93-95 R92-95, 98-100, 97-98 R92-96, 98-99 R92-96 R92-95	Pathfinder	T27 T28 T29	R85, R86 R85-R89 R85, R89
Cumberland	T16 T17-T19 T19, T20	R118 R117 R116	Saratoga	T14 T15 T16	R82, R83 R82-R84 R83-R85
Dad	T15, T16 T17	R90-R93 R92, R93	Seminole	T23, T24	R84, R85
Desolation Flats	T13 T14 T15 T16	R93-95 R93-94 R93-94, 96 R93-96	Shamrock Hills	T22, T23 T24, T25 T26	R89, R90 R89 R89, R90



Natural Resources Conservation Service
Federal Building
100 East B Street, Room 3124
P.O. Box 33124
Casper, WY 82602

Date: November 2, 2004

Department of Energy
Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3305

NOV 8 RECD

Dear Mr. Kersten,

The Natural Resources Conservation Service has reviewed proposed project for the Low-Speed Wind Turbine Demonstration Project near Medicine Bow, Wyoming.

The only comments on the project that we have is that there is no information relating to how ground disturbance in building the tower, buildings and installation of the underground cables is going to be handled. How will any potential wind and or water erosion be addressed? How will the disturbed areas be revegetated? The NRCS has no other concerns with the project outside of those we identified earlier.

If you have any questions, or need to discuss this comment with us, please contact either myself at 307-233-6750 or please contact Doug Gasseling, Conservation Agronomist, Cheyenne, Wyoming, at 307-772-2320, ext. 101.

Sincerely,

LINCOLN "ED" BURTON
State Conservationist

-----Original Message-----

From: Mike_Robinson@blm.gov [mailto:Mike_Robinson@blm.gov]
Sent: Tuesday, November 09, 2004 9:09 AM
To: Drahushak-Crow, Roselle
Subject: DOI BLM Rawlins Field Office Comments

Hello;

The staff at the Rawlins Field Office have reviewed your proposal and the following issues were identified in the area:

- The project is within Antelope Critical Winter Range
- Greater Sage Grouse: Also within 600 meters of one lek and 900 meters of satellite lek - both active.

From a Realty standpoint, the project is on private land and therefore will not affect public lands. Wildlife are a State governed right therefore needs to be addressed and these concerns are reflect in the above issues, but the BLM has no rights to govern/interpret private land.

Thank you for you request, and feel free to contact myself for any further information or requests concerning this project.

Mike Robinson
Realty Specialist
BLM Rawlins Field Office
Phone: (307) 328-4389
Fax: (307) 328-4224

WYOMING
GAME AND FISH DEPARTMENT

Dave Freudensthal, Governor



Terry Cleveland, Director

"Conserving Wildlife - Serving People"

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November 10, 2004

WER 10988
Department of Energy
National Renewable Energy Laboratory
Scoping
Clipper WindPower Low-Speed Wind Turbine
Demonstration Project
Carbon County

Roselle Drahushak-Crow
NEPA Document Manager
U.S. Department of Energy, Golden Field Office
1617 Cole Blvd.
Golden, CO 80401-3393

Dear Ms. Drahushak-Crow:

The staff of the Wyoming Game and Fish Department has reviewed the Clipper Windpower Inc. Low-Speed Wind Turbine Demonstration Project near Medicine Bow, Wyoming. We offer the following comments.

Wildlife habitat diversity in the general area is high, with primary components including big sagebrush, black greasewood, Nuttall saltbush, willow/cottonwood riparian, shortgrasses, rock outcrops, Ponderosa pine/juniper, playas, and wet meadows. Wildlife using these habitats frequently moves through the proposed project area. The nearby Medicine Bow River and East Allen Lake attract several species of waterfowl, shorebirds, and other species.

The project occurs within or near the following crucial and important wildlife habitats:

- Crucial winter/yearlong range for pronghorn.
- Winter/yearlong range for mule deer (about 1 mile from crucial winter/yearlong range).
- The project occurs within a lek complex for sage grouse, a species petitioned for listing under the Endangered Species Act.
- Bald eagle, golden eagle, red-tailed hawk, ferruginous hawk, rough-legged hawk, Swainson's hawk, northern harrier, prairie falcon, kestrel, great horned owl, and

burrowing owl potentially occur in the project vicinity. Specifically, bald eagle, golden eagle, red-tailed hawk, ferruginous hawk, Swainson's prairie falcon, kestrel, and great horned owl are known to nest in the surrounding area. We have not conducted any recent nesting surveys in the immediate project area.

- Several other migratory birds occur in the vicinity, including mountain plover, sandhill crane, Canada geese, and a variety of other waterfowl, shorebirds, and wading birds.
- Bobcat, red fox, swift fox, coyote, skunk, weasel, and badger are some of the carnivores in the area.
- White-tailed prairie dogs, Wyoming ground squirrels, least chipmunk, desert cottontail, white-tailed jackrabbit, and a variety of bats are some of the common smaller mammals in the area.
- Historically, black-footed ferrets were sighted in the general vicinity.

We offer the following comments regarding this proposed project and the EA:

1. Considerations include siting, wildlife impacts, baseline inventories, monitoring, and mitigation.
2. The EA should address cumulative impacts, including nearby existing and proposed wind plants, proposed and past coal mining, oil and gas (including CBM) development, and habitat alterations such as sagebrush control efforts. Determination of the effects of a potential commercial low-speed wind farm should be addressed, in the event the demonstration project is expanded.
3. The EA should address consideration of alternate sites, particularly if there are suitable locations with fewer potential environmental conflicts (e.g., outside of crucial winter range or sage grouse habitat, lower potential for avian and bat mortalities). If the objective is to demonstrate electrical generation at lower wind speeds, other less windy locations may serve that purpose with less potential impacts.
4. A considerable amount of information concerning wildlife impacts has been gathered for the adjacent existing wind farm. We recommend these be reviewed and referenced in the EA.
5. This proposed project is located in the same section as a sage grouse lek complex. There are two leks associated with this complex. Although we have not documented activity on these leks in recent years, our monitoring has been inconsistent. Because sage grouse have been petitioned for federal listing, we recommend monitoring be initiated by the project proponents prior to development of the site, in order to determine site use. If sage

grouse leks remain active, appropriate mitigation should be developed for any foreseeable disturbances to the birds.

6. In the EA, the design and characteristics of the proposed low-speed wind turbine should be contrasted with other existing designs, including height of rotor-swept area, blade tip speeds, and potential for wildlife mortalities. These features should be described in terms of their effect on wildlife mortalities.
7. We recommend that construction activities cease from November 15 to April 30 to minimize disturbance to crucial pronghorn winter range during the winter period.
8. Appropriate timing limitations and buffers should be applied for any raptor nests identified on or near the project area.
9. The project should monitor wildlife mortalities using accepted protocols in place at the adjacent wind farm, and use the same reporting format.

These comments are also being provided to TRC Mariah, who are gathering information on behalf of Clipper Windpower Inc., and to the Carbon County Planning Commission for their use in considering a land use zoning change. We thank all parties for the opportunity to provide comments, and encourage you to include us in future actions involving this project.

Sincerely,



BILL WICKERS
DEPUTY DIRECTOR

BW:VS:as

cc: Mary Flanderka-Governor's Planning Office
USFWS
TRC Mariah
Carbon County Planning Commission

November 8, 2004

TO: Roselle Drahushak-Crow, NEPA Document Manager
U.S. Department of Energy, Golden Field Office
1617 Cole Blvd.
Golden, Colorado 80401-3393

Dear: Roselle:

The Medicine Bow Conservation District appreciates the opportunity to provide input for the scoping process concerning the Environmental Assessment (EA) for the Clipper Windpower Inc. Low Speed Turbine Demonstration Project. The Medicine Bow Conservation District operates under and is guided by legislative declarations and policy of the Wyoming State Legislature W.S. 11-16-103 et al. The Board of Supervisors, a group of locally elected individuals, held discussion concerning the proposed actions outlined in the EA. The Board finds no reason for concern with the proposed project as outlined. The Board does however wish to convey the following policies concerning activities within the districts legal boundaries:

- A. The Medicine Bow Conservation District supports the "Multiple Use" concept of management of federal lands within the boundaries of the district. Multiple uses shall include but are not limited to the following:
 - a. Timber harvesting
 - b. Grazing
 - c. Recreation
 - d. Oil and Gas Development
 - e. Mineral Development
 - f. Wind Power Development
 - g. Hydro-Electric Development
- B. The Medicine Bow Conservation District reserves the right to review and make recommendations on all sub division plans within the boundaries of the district to the Carbon County Commissioners and the Carbon County Planning and Zoning Board.
- C. The Medicine Bow Conservation District requires only certified hay or straw to be used as mulch on reclamation projects on any county road, state or federal highway project, or any reclamation project on lands owned or managed by the state of Wyoming or the Federal Government.

- D. The Medicine Bow Conservation District requires that all owners of Easements and or rights-of-way for power lines, above or below ground transmission lines, road ways, oil and gas exploration, pipeline and development sites, wind farms and mineral exploration and extraction sites shall be solely responsible for all control of noxious weeds until full establishment of perennial grass cover is established meeting the satisfaction of the private landowner, lessee or federal manager.
- E. The Medicine Bow Conservation District supports local, state and federal agencies in requiring proper construction, maintenance and reclamation of transportation corridors such as, but not limited to, access roads, pipelines, and transmission lines to prevent resource degradation.
- F. The Medicine Bow Conservation District will not support any action that results in a net loss of Animal Unit Months (AUM's) on any allotment, permit or lease on lands owned or managed by the state of Wyoming or the Federal Government.
- G. The Medicine Bow Conservation District of Supervisors reserves the right to appeal local, state, and federal decisions that adversely affect the Medicine Bow Conservation District Natural Resource and Land Use Plan.

Thank you again for the opportunity to provide our input to the NEPA process. If there are any questions please contact the district directly.

Sincerely,

Brad Holliday
District Manager,
Medicine Bow Conservation District
PO Box 6
510 Utah
Medicine Bow, WY 82329
Email: mbcd@trib.com
Phone: (307) 379-2221
Fax: (307) 379-2224